IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Keshar Dev Vs. State of Rajasthan & Anr.

S.B.CR.MISC. PETITION NO.503/2005

DATE OF ORDER :: November 16, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr. N.L.Joshi, for the petitioner.
Mr.Ashok Upadhyaya, P.P.
Mr.N.S.Rajpurohit, for non-petitioner No.2.

BY THE COURT:

This criminal misc. petition under section 482 Cr.P.C. is directed against the order dt. 21.4.2005 passed by the Additional Sessions Judge, Churu (for short 'the revisional court' hereinafter), whereby the revision petition filed by the non-petitioner No.2 Dhanna Ram was allowed and order dt. 16.9.2004 passed by the Judicial Magistrate First Class, Churu (for short 'the trial court' hereinafter) was set aside and the matter was remanded to the trial court to decide afresh in accordance with law.

It is contended by the learned counsel for the petitioner that while setting aside the order of the trial court, the revisional court made certain observations in the order impugned, which is beyond the scope of the power of the revision.

Learned Public Prosecutor and the counsel appearing for the non-petitioner No.2 supported the order impugned.

On careful perusal of the order impugned, in my view, the order impugned remanding the matter to the trial court to pass a fresh order in accordance with law in any manner cannot be erroneous warranting interference in the inherent jurisdiction.

The petition has no force, the same is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-